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Compilation on Sri Lanka

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2016, the Committee against Torture recommended that Sri Lanka consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[3] It also recommended that Sri Lanka consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[4]

3. In 2016, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Sri Lanka ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[5]

4. In 2016, the Committee on the Elimination of Racial Discrimination encouraged Sri Lanka to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[6]

5. The Working Group on Enforced or Involuntary Disappearances recommended that Sri Lanka recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction, in accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance.[7]

6. The United Nations country team in Sri Lanka noted that, in 2015, Sri Lanka had extended a standing invitation to all special procedure mandate holders.[5]

7. Sri Lanka made financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012, 2013, 2014 and 2017.[6]

III. National human rights framework[7]

8. The United Nations country team highlighted that Sri Lanka had taken several steps to pass legislation aimed at ensuring increased transparency and independence of institutions, including the Right to Information Act and the nineteenth amendment to the Constitution, which gave effect to the appointment of a Constitutional Council that nominated members of independent commissions and recommended appointments to other high-level government positions with the objective of depoliticizing the public service and limiting the powers of the President.[8]

9. The United Nations country team noted that, in October 2015, new commissioners had been appointed to the National Human Rights Commission by the Constitutional Council, and that proposed amendments to the Human Rights Commission Act to strengthen the implementation of recommendations issued were yet to materialize.[9]

10. The United Nations country team also noted that an interministerial committee had been appointed to implement the National Human Rights Action Plan (2011-2016) but the lack of a dedicated Ministry to expedite action had resulted in challenges for follow-up. A new national human rights action plan for the period 2017-2022 had been drafted in 2016 in consultation with civil society. However, the revised draft that had been finalized by the Cabinet had reportedly led to the removal of key action points relating to decriminalization of same-sex relations, the vagrancy ordinance and access to health-care services for people living with HIV.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

11. In 2014, the Human Rights Committee expressed concern about discriminatory provisions against women in domestic legislation, including on rights of succession with respect to land permits and grants, and the disposal of immovable property. It recommended that Sri Lanka guarantee equality between men and women by undertaking a comprehensive review of its domestic laws, including those that governed rights of succession with respect to land permits and grants, the disposal of immovable property and the absence of a minimum age for marriage under Muslim law.[12]

12. The Committee on Economic, Social and Cultural Rights expressed concern that discrimination against lesbian, gay, bisexual, transgender and intersex persons was widespread, including in law enforcement, employment, health care, housing and education, and that lesbian, gay, bisexual, transgender and intersex persons had been subjected to threats and attacks on social media on the basis of their sexual orientation or gender identity.[13]

2. Development, the environment, and business and human rights[14]

13. With respect to privately owned estates, the Special Rapporteur on minority issues, recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, underscored the responsibility of

private companies to respect human rights, which was complementary to the responsibilities of the Government.[16]

14. The Committee on Economic, Social and Cultural Rights was concerned about the extensive use of agrochemicals in Sri Lanka and recommended that Sri Lanka urgently address the extensive use of agrochemicals, take steps to enforce the ban on glyphosate in all sectors, expand the ban to cover all agrochemicals that adversely affected the health of the population and the environment, and carry out effective and frequent inspections.[17]

3. Human rights and counter-terrorism[18]

15. The Working Group on Enforced or Involuntary Disappearances recommended that Sri Lanka immediately repeal the Prevention of Terrorism Act and replace it with legislation that was in conformity with its international obligations.[21] The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that Sri Lanka review draft legislation to replace the Prevention of Terrorism Act (acts on national security, State intelligence services and prevention of organized crimes) to ensure safeguards against arbitrary arrest and torture or cruel, inhuman or degrading treatment, provisions for access to legal counsel from the moment of deprivation of liberty, strong judicial overview of law enforcement and security agencies and protection for the privacy rights of citizens, and that there was a timely, robust and transparent national debate on the bills that was inclusive of all civil society.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

16. The Special Rapporteur on torture recommended that capital punishment be abolished or, as a minimum, all death sentences be commuted to prison sentences.[24]

17. He noted that torture and ill-treatment, including of a sexual nature, still occurred, in particular in the early stages of arrest and interrogation, often for the purpose of eliciting confessions, and that the gravity of the mistreatment inflicted increased for those who were perceived to be involved in terrorism or offences against national security. The police resorted to forceful extraction of information or coerced confessions rather than carrying out thorough investigations using scientific methods.[25]

18. The Committee against Torture remained seriously concerned that torture was a common practice carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department of the police, regardless of the nature of the suspected offence.[26]

19. The Committee noted with concern that the practice of so-called "white van" abductions of Tamils had continued in the years following the end of the armed conflict. It also noted that people suspected of having even a remote link with the Liberation Tigers of Tamil Eelam had been abducted and subjected to brutal torture, including sexual violence and rape of men and women by the military and the police in unacknowledged places of detention. It urged Sri Lanka to ensure that all allegations of unlawful detention, torture and sexual violence by security forces were promptly, impartially and effectively investigated by an independent body, and to close down any unofficial detention centres and ensure that no one was detained therein.[27]

20. The Committee urged Sri Lanka to immediately embark upon an institutional reform of the security sector and develop a vetting process to remove from office military and security force personnel at the higher and lower ranks, as well as any other public officials, where there were reasonable grounds to believe that they had been involved in human rights violations.[28]

21. The Special Rapporteur on torture noted that conditions of detention amounted to cruel, inhuman or degrading treatment owing to severe overcrowding, insufficient ventilation, excessive heat and humidity, and the denial of adequate access to health care, education, vocational training and recreational activities.[29] The Committee against Torture

urged Sri Lanka to reduce overcrowding in prisons by making more use of alternatives to incarceration. It recommended that Sri Lanka improve detention conditions, strengthen reintegration and rehabilitation activities, improve medical facilities in prisons and ensure the swift transfer of patients to the national hospital in cases of emergencies and serious illnesses.[30]

22. The Working Group on Enforced or Involuntary Disappearances recommended that the Government take decisive action and give clear orders at the highest level to stop surveillance, threats, intimidation, harassment, including sexual harassment, and abuses against relatives of disappeared persons and those acting on their behalf.[31]

23. The Human Rights Committee was concerned at reports of intimidation and harassment, including physical attacks, death threats, administrative detention and politically motivated charges, by State officials against journalists, lawyers, clergymen, members of non-governmental organizations (NGOs), human rights defenders and opposition politicians. It recommended that Sri Lanka refrain from taking any measures amounting to intimidation or harassment against persons exercising their right to freedom of expression, investigate all cases of threats and attacks against journalists, lawyers, clergymen, political activists, members of NGOs and human rights defenders, hold the perpetrators accountable and provide effective remedies to victims.[32] The Committee against Torture had similar concerns and made similar recommendations.[33]

24. The Committee on the Elimination of Racial Discrimination emphasized that women were particularly vulnerable to certain forms of racial discrimination, such as sexual violence during armed conflict. It recommended that Sri Lanka ensure the protection of women in the post-conflict period, ensure that any victims of violations had access to complaint mechanisms and judicial remedies and that reported cases were investigated and suspected perpetrators prosecuted.[34]

25. The Human Rights Committee was concerned about allegations of sexual violence against women in the context of detention, resettlement and other situations that required contact with security forces. It recommended that Sri Lanka thoroughly investigate allegations of sexual violence by the security forces and ensure that perpetrators were prosecuted and punished, and that victims were adequately compensated.[35]

26. The Committee on the Elimination of Racial Discrimination was alarmed by reports of hate speech, incitement to violence and violent attacks, including riots, against ethnic and ethno-religious minority groups, which had resulted in deaths, injuries and destruction of property. It recommended that Sri Lanka protect the safety and security of ethnic and ethno-religious minorities and their places of worship and adopt comprehensive legislation on hate speech that prohibited ideas based on racial superiority and hatred, incitement to racial hatred, acts of violence against any race or groups of persons of another colour or ethnic origin, and incitement to such acts.[36]

27. The United Nations country team noted that despite the welcomed steps taken towards demilitarization, such as the removal of checkpoints, the military presence in the North and East regions remained heavy and a culture of surveillance and intimidation and harassment in certain instances persisted.[37]

2. Administration of justice, including impunity, and the rule of law[38]

28. The Special Rapporteur on the independence of judges and lawyers recommended that the Constitution clearly and expressly recognize the fundamental principle of the separation of powers, establish checks and balances and guarantee the independence of the judiciary and the courts, as well as of the legal profession.[39] She also recommended that the selection and appointment of judges to both the superior and first instance courts be transparent at all stages and follow clear recruitment criteria, including technical requirements.[40]

29. The Special Rapporteur further recommended that the authorities adopt special measures to ensure that persons in particularly vulnerable situations, such as children, people living in remote areas and victims of sexual violence, had meaningful access to the

justice system and other complaint procedures, including the provision of qualified legal aid.[41]

30. The Committee against Torture was concerned about the broad police powers that allowed it to arrest suspects without a court warrant. It called on Sri Lanka to make legislative amendments requiring the police to obtain an arrest warrant issued by a judicial authority in order to conduct an arrest. It also recommended that Sri Lanka ensure that detainees were registered and brought before a judge within 48 hours.[42]

31. The Committee urged Sri Lanka to expedite the establishment of a judicial mechanism with a special counsel to investigate allegations of torture, enforced disappearances and other serious human rights violations that included independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality at the national and international level.[43]

32. It urged Sri Lanka to amend the draft Code of Criminal Procedure Act in order to ensure, in law and in practice, that all detainees were afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the rights to prompt access to a lawyer, to notify a relative or another person of his or her place of detention and to challenge, any time during the detention, the legality or necessity of it before a magistrate and to receive a decision without delay.[44]

33. The United Nations country team noted that levels of impunity were particularly high with respect to certain offences, for instance, sexual violence, and that the 2015 Grave Crimes Abstract reflected only one rape conviction in 2015.[45]

34. The Working Group on Enforced or Involuntary Disappearances highlighted that the challenge facing the Government was to transform its promises into a concrete, comprehensive, legitimate and participatory framework aimed at securing the rights to truth, justice, reparation and memory, and guarantees of non-repetition for the families of the disappeared and Sri Lankan society as a whole, in the context of a reconciliation process.[46]

35. It also noted that the victims of enforced disappearances had very little faith in the justice system, the prosecution services, the police or the armed forces. The chronic pattern of impunity still existed with regard to cases of enforced disappearance.[47] It recommended that the Government establish a judicial accountability mechanism that integrated international judges, prosecutors, lawyers and investigators;[48] carry out all investigations, prosecutions and judicial proceedings in accordance with the principle of due diligence, taking into account the complexity of the enforced disappearances, the context in which they occurred and the patterns that explained why the events occurred, and ensure that there were no omissions in the gathering of evidence or in the development of lines of investigation;[49] and develop, as a matter of urgency, a national reparations policy taking into account the specific needs of women and children and make adequate provisions for it in the State budget.[50]

36. The Special Rapporteur on the independence of judges and lawyers recommended that comprehensive measures be urgently adopted to address impunity; those measures should not be limited to the transitional context, but should be aimed at the whole justice chain. She also recommended that the authorities take concrete measures to implement Human Rights Council resolution 30/1 and the recommendations contained in the report of the Office of the United Nations High Commissioner for Human Rights on its investigation on Sri Lanka, in particular those related to fighting impunity and ratifying the Rome Statute of the International Criminal Court.[51]

37. The Committee on the Elimination of Racial Discrimination welcomed the current truth and reconciliation efforts, with a four-pronged approach that included non-recurrence, right to truth, right to justice and reparations. It encouraged Sri Lanka to include representatives of all ethnic and ethno-religious groups, including women from those groups, in the shaping and implementation of transitional justice processes.[52]

38. It was concerned that groups or individuals inciting violence and undertaking violent attacks against ethnic and ethno-religious minorities were not held accountable. It

recommended that Sri Lanka prosecute perpetrators of hate speech, incitement to violence and hate crimes so as to deter further crimes and prevent impunity of perpetrators.[53]

39. It also recommended that Sri Lanka ensure that cases of human rights violations committed during the conflict and in its aftermath were investigated, perpetrators were prosecuted and proper redress was provided to victims.[54]

40. The Committee against Torture recommended that Sri Lanka combat impunity for the crime of enforced disappearance, in particular by ensuring that all cases of enforced disappearance and torture, including those that had taken place at the Trincomalee Navy Camp, were thoroughly, promptly and effectively investigated by an independent mechanism, suspects were prosecuted, those found guilty were punished and those who had suffered harm as a direct result of enforced disappearance were granted fair compensation. It also recommended that Sri Lanka ensure that the Office of Missing Persons was equipped with the technical capacity required to conduct exhumations.[55] The Human Rights Committee made similar recommendations.[56]

41. The Special Rapporteur on torture recommended that the Government strengthen the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 to make the national authority set up under the Act an independent and accountable agency that was not managed only by the police, but subjected to judicial oversight, and ensure that its jurisdiction extended to protect victims of trafficking who, like victims of torture and sexual violence, also had a real fear of reprisals.[57]

42. The United Nations country team highlighted that delays in the justice system were recurrent. Cases concerning children, particularly crimes against children, took an average of six years for indictment. It noted that national legislation did not contain provisions granting children in the juvenile justice system the right to legal representation.[58]

43. The Special Rapporteur on torture recommended that the Government raise the age of criminal responsibility to one that was internationally acceptable and ensure the separation of juvenile and adult detainees, and that children were held in detention only as a last resort and for as short a time as possible.[59]

3. Fundamental freedoms and the right to participate in public and political life[60]

44. The United Nations country team noted continued discrimination as some State actors continued to be complicit in violations of freedom of religion.[61]

45. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was considered a criminal offence under section 479 of the Penal Code and recommended that Sri Lanka decriminalize defamation and place it within a civil code that was in accordance with international standards.[62]

46. UNESCO highlighted that, since 2008, it had recorded the killings of two journalists and urged the Government to continue to investigate their cases and to voluntarily report to it on the status of the judicial follow-up.[63]

47. The United Nations country team noted that a number of exiled journalists had been able to return to the country since 2015. However, in practice, a number of laws and regulations restricted the right to freedom of expression, including the Official Secrets Act, counter-terrorism legislation and laws on defamation and contempt of court.[64]

48. The United Nations country team noted concerns with regard to a number of student protests that had been met with aggressive crowd control practices by the police.[65] It also noted reports that new laws would be enacted with regard to protests.[66]

49. The Human Rights Committee was concerned about the low rate of participation by women in political and public life, perpetuated by the persistence of stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life.[67]

50. The Committee on Migrant Workers urged Sri Lanka to ensure the implementation of the right to vote for Sri Lankan migrant workers residing abroad, and to facilitate the exercise of the right to vote by Sri Lankan nationals residing and working abroad, in the presidential and parliamentary elections to be held in 2020.[68]

4. Prohibition of all forms of slavery

51. While welcoming the 2015-2019 strategic plan to monitor and combat human trafficking, the Committee on Migrant Workers was concerned about the lack of effective measures to protect victims and to provide them with effective remedies, including compensation and rehabilitation. It was also concerned about the low rate of prosecution and insufficient punishment of perpetrators. It recommended that Sri Lanka prevent, suppress and punish trafficking in persons and investigate allegations of trafficking in persons, prosecute and, if convicted, punish those responsible, as well as provide protection, assistance and compensation to all victims.[69]

5. Right to privacy and family life[70]

52. The Human Rights Committee remained concerned at the continued applicability of sections 365, 365A and 399 of the Penal Code to criminalize lesbian, gay, bisexual, transgender and intersex persons and the widespread discrimination and stigmatization of persons on the basis of their sexual orientation and gender identity. It recommended that Sri Lanka amend its Penal Code and consider amending article 12 of its Constitution to explicitly state that sexual orientation and gender identity were prohibited grounds for discrimination. It also recommended that Sri Lanka strengthen measures to protect against violations of the rights of lesbian, gay, bisexual, transgender and intersex persons as well as strengthen awareness-raising and training on their rights.[71]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

53. The United Nations country team noted that the right to work was not explicitly recognized in the Constitution except as freedom to engage in a lawful occupation or profession, which included the right to engage in trade union activities,[72] and that the Termination of Employment (Special Provisions) Act specified that no person could be terminated from his services other than through his consent or by an application made to the Commissioner of Labour. Termination on the disciplinary grounds could be challenged before the Labour Tribunal.[73]

54. The Committee on the Elimination of Racial Discrimination recommended that Sri Lanka assist women heads of households in gaining access to employment and basic services to improve their socioeconomic condition.[74]

55. The Committee on Migrant Workers recommended that Sri Lanka create income-generating opportunities for women, including in rural areas, and prevent domestic violence in order to make migration a choice, not a necessity.[75]

56. It also recommended that Sri Lanka put in place a comprehensive, gender-responsive, fair recruitment policy with high standards; ensure that recruitment agencies improved the services they offered; hold those agencies accountable for the non-execution of their duties; regulate irregular subagents and brokers and sanction unlicensed agencies; and regularly update the recruitment agency blacklist and make it public.[76]

57. The Committee was concerned that recruitment agencies were not women-friendly and 60 per cent of licensed recruitment agencies were located in the Colombo district and thus not easily accessible to those living in rural areas. It recommended that Sri Lanka oblige recruitment agencies to assign, upon request, female staff members to manage the recruitment of female domestic workers and make licensed recruitment agencies more easily accessible in order to reduce informal networks and reliance on brokers, including in rural districts.[77]

2. Right to social security[78]

58. The Committee on Economic, Social and Cultural Rights was concerned that the allowances of the main social assistance programme, *Samurdhi*, were insufficient and that mandatory deductions were imposed, such as in the case of savings, which lowered the

allowances paid. It recommended that Sri Lanka reform the social protection system and ensure universal social security coverage and sufficient benefits for all persons, including those from the most disadvantaged and marginalized groups.[79]

3. Right to an adequate standard of living[80]

59. The United Nations country team expressed concern about large-scale evictions under the Urban Regeneration Programme instituted by the previous Government and the subsequent relocation of low-income families away from the city centre.[81]

4. Right to health

60. The United Nations country team noted concerns regarding access to good quality health care and medical treatment. Private health care was reportedly costly and lacked regulation.[82]

61. The United Nations country team also expressed concern about the lack of availability of youth-friendly health services for adolescents and the lack of access to professional mental health care in the context of post-war reconciliation. It was also concerned that doctors and other medical staff were often unaware of and insensitive to the health needs of lesbian, gay, bisexual and transgender people.[83]

5. Right to education[84]

62. The United Nations country team noted concerns by university academics and students regarding the deterioration of academic freedom and university autonomy. It also noted that young people often did not have access to accurate and youth-friendly sexual and reproductive health information and that sexual and reproductive health and rights education through the formal school system was limited.[85]

D. Rights of specific persons or groups

1. Women[86]

63. The United Nations country team noted that a multisectoral and comprehensive national action plan to end sexual and gender-based violence had been formally launched in 2016 and individual action plans had been formulated by nine sectoral ministries.[87]

64. While welcoming the adoption of the Prevention of Domestic Violence Act, the Human Rights Committee was concerned about the persistence of sociocultural values that condoned domestic violence, resulting in such violence remaining widespread and subject to impunity. It recommended that Sri Lanka adopt specific legislation that explicitly prohibited domestic violence and marital rape, regardless of judicial acknowledgement of separation, and ensure that cases of domestic violence and marital rape were thoroughly investigated, perpetrators were prosecuted and punished, and victims were adequately compensated.[88]

65. The United Nations country team noted that the Muslim Marriage and Divorce Act of 1951 and the Qazi Courts contained discriminatory practices that included child marriage, unfair divorce practices, marital rape, polygamy and limited access.[89]

66. The Special Rapporteur on the human rights of migrants recommended that Sri Lanka withdraw the circular issued by the Ministry of Foreign Employment Promotion and Welfare in January 2014 in order to respect women's freedom of movement.[90]

2. Children[91]

67. The United Nations country team stated that discrimination against children based on ethnic and economic bases persisted, most particularly among minorities in estate areas, children in remote rural areas, refugee and asylum-seeking children, children of overseas workers, children in institutional care and children with disabilities.[92]

68. The United Nations country team noted that an estimated 600 children were still considered missing and that little action had been taken to independently investigate those cases.[93]

69. While noting that violence against children and corporal punishment had been legally prohibited in schools and judicial corporal punishment, called "whipping", had been outlawed in 2005, the Human Rights Committee noted with concern that corporal punishment continued to be accepted and practised as a form of discipline by parents and guardians. It recommended that Sri Lanka put an end to corporal punishment in all settings, encourage non-violent forms of discipline as alternatives and conduct public information campaigns to raise awareness about the harmful effects of such punishment.[94]

70. The United Nations country team expressed concern that children of asylum seekers did not have access to public schools while their refugee claims were being processed, which might take up to two years. The inability to access public education hampered their rights and undermined the potential for appropriate child development.[95]

3. Persons with disabilities[96]

71. The United Nations country team stated that persons with disabilities faced significant challenges in their daily lives as there were no policies and practices that promoted and protected their right to be included in the community, to study in the mainstream education system and to receive timely and quality health- and social-care services. It also noted that the current certification and registration of disabilities started at the age of 5, which effectively left thousands of children with disabilities out of reach of the social financial transfers and other benefits.[97]

4. Minorities and indigenous peoples

72. The Special Rapporteur on minority issues recommended that particular attention be paid to the effective participation of minorities in decision-making, equality in access to economic and social opportunities and the constructive development of practices and institutional arrangements to accommodate ethnic, linguistic and religious diversity within society.[98]

73. She also recommended that the Government establish an independent commission on minorities under the Constitution, with a clear mandate, powers, resources and autonomy and a diverse workforce that included representatives of minority communities.[99]

5. Migrants, refugees, asylum seekers and internally displaced persons[100]

74. The Special Rapporteur on migrants recommended that Sri Lanka ensure that its legislation, including the draft Employment Migrant Authority Act, was fully in line with international human rights standards.[101]

75. He also recommended that Sri Lanka, inter alia, enhance the regulation and monitoring of the recruitment industry, by putting in place a comprehensive recruitment policy with high standards, ensuring that recruitment agencies improved the services they offered, holding them accountable for the non-execution of their duties, regulating irregular subagents/brokers and sanctioning unlicensed agencies.[102]

76. He further recommended that the Government detain migrants in an irregular situation only as a measure of last resort and for as short a period as possible, and systematically apply alternatives to detention, particularly for families and children, who should never be detained.[103]

77. The Committee on Migrant Workers recommended that Sri Lanka guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to join trade unions freely.[104]

78. The United Nations country team highlighted that the number of Sri Lankan refugees abroad, particularly in India, remained significant and the Government's support to their voluntary repatriation continued to be essential as the problems relating to access to

land, housing, water and sanitation and civil documentation and reinstatement of nationality continued to hamper reintegration efforts.[105]

79. The United Nations country team stated that, in the absence of a national asylum framework, asylum seekers and refugees were treated as irregular immigrants and might be subjected to arrest, detention and deportation under the Immigrants and Emigrants Act. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, while the present Government ensured minimum necessary asylum space and tolerated asylum seekers and refugees on its territory, the previous Government, in a bid to curtail the growing number of foreigners in the country, had arbitrarily arrested, detained and deported large numbers of asylum seekers and refugees, in breach of the principle of non-refoulement.[106]

80. It highlighted that refugees and asylum seekers were susceptible to arrest and detention if they engaged in any income-generating activities. Access to education and employment by refugees and asylum seekers was important for their dignified stay in the country. Not only would it reduce their dependency on very limited support from remittances and private charities, but it would also allow them to contribute to the society that provided them with necessary protection.[107] In that connection, UNHCR recommended that Sri Lanka provide asylum seekers and refugees access to the labour market and to education services that were available nationally.[108]

81. The United Nations country team noted that the Government had embarked upon a process to return land that had been occupied by the military. However, the slow pace of release was a concern. It also noted that, although housing assistance was provided, livelihood grants were limited and the return package had shrunk. It highlighted that agricultural lands needed to be returned in order for internally displaced persons to be able to resume their normal lives and livelihood opportunities.[109]

82. The United Nations country team highlighted that some internally displaced persons and refugee returnees remained unable to achieve durable solutions as a result of landlessness. In that regard, it expressed concern about ad hoc amendments to land laws, including the Land Acquisition Act, and emphasized the need for settlement of land disputes over militarization or post-war development in consultation with public officers, affected communities and land rights advocates.[110] UNHCR recommended that Sri Lanka review national land legislation, policies and administrative practices with a view to effectively addressing the needs for durable solutions of internally displaced persons and refugee returnees, in particular those who never had access to State land.[111]

6. Stateless persons

83. UNHCR noted that the Government had undertaken progressive legislative reforms to provide citizenship to stateless populations. It also stated that analyses of the citizenship legislation indicated that statelessness might also persist because the Government did not automatically provide citizenship to children born in its territory, who would otherwise be stateless.[112]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Sri Lanka will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/LKIndex.aspx.

[2] For relevant recommendations, see A/HRC/22/16, paras. 127.1-127.4, 127.43-127.44, 127.47, 127.51, 127.60, 128.1-128.18, 128.43-128.52, 128.71 and 128.82.

[3] See CAT/C/LKA/CO/5, para. 36. See also CERD/C/LKA/CO/10-17, para. 31.

[4] See CAT/C/LKA/CO/5, para. 44 (d).

[5] See CMW/C/LKA/CO/2, para. 53.

[6] See CERD/C/LKA/CO/10-17, para. 31.

[7] See A/HRC/33/51/Add.2, para. 78 (a).

[8] United Nations country team submission to the universal periodic review of Sri Lanka, p. 2.

[9] OHCHR, "Funding" in *OHCHR Report 2012*, p. 117, "Funding" in *OHCHR Report 2013*, p. 131, "Funding" in *OHCHR Report 2014*, p. 63, and *OHCHR Report 2017* (forthcoming).

[10] For relevant recommendations, see A/HRC/22/16, paras. 127.5-127.42, 127.45-127.46, 127.53-127.54, 127.80-127.81, 127.83-127.84, 127.86-127.87, 127.91, 128.26, 128.32, 128.35, 128.41, 128.56, 128.58 and 128.83.
[11] Country team submission, p. 2.
[12] Ibid., p. 2. See also A/HRC/35/31/Add.1, para. 142.
[13] Country team submission, p. 2.
[14] For relevant recommendations, see A/HRC/22/16, paras. 127.55-127.56, 127.67 and 128.53.
[15] See CCPR/C/LKA/CO/5, para. 7.
[16] See E/C.12/LKA/CO/5, para. 17.
[17] For relevant recommendations, see A/HRC/22/16, paras. 127.100-127.102 and 127.105-127.109.
[18] See A/HRC/34/53/Add.3, para. 82.
[19] See E/C.12/LKA/CO/5, paras. 61-62.
[20] For the relevant recommendation, see A/HRC/22/16, para. 127.110.
[21] See A/HRC/33/51/Add.2, para. 78 (e). See also A/HRC/35/31/Add.1, para. 134.
[22] See A/HRC/34/54/Add.2, paras. 116 (a)-(b).
[23] For relevant recommendations, see A/HRC/22/16, paras. 127.74, 128.19-128.23, 128.59-128.69, 128.73, 128.76 and 128.94.
[24] See A/HRC/34/54/Add.2, para. 116 (g).
[25] Ibid., para. 110.
[26] See CAT/C/LKA/CO/5, para. 9. See also country team submission, p. 5.
[27] See CAT/C/LKA/CO/5, paras. 11 and 12. See also CCPR/C/LKA/CO/5, para. 16.
[28] See CAT/C/LKA/CO/5, para. 14.
[29] See A/HRC/34/54/Add.2, para. 112.
[30] See CAT/C/LKA/CO/5, para. 36.
[31] See A/HRC/33/51/Add.2, para. 77.
[32] See CCPR/C/LKA/CO/5, para. 21.
[33] See CAT/C/LKA/CO/5, paras. 39-40.
[34] See CERD/C/LKA/CO/10-17, para. 28.
[35] See CCPR/C/LKA/CO/5, para. 9.
[36] See CERD/C/LKA/CO/10-17, paras. 16 and 17.
[37] Country team submission, p. 5.
[38] For relevant recommendations, see A/HRC/22/16, paras. 127.48, 127.52, 127.59, 127.75-127.79, 127.85, 127.103, 128.25, 128.29-128.31, 128.33-128.34, 128.36-128.38, 128.40, 128.42, 128.54, 128.57, 128.70, 128.72, 128.74, 128.77-128.82, 128.84-128.86 and 128.88-128.90.
[39] See A/HRC/35/31/Add.1, para. 102.
[40] Ibid., para. 105.
[41] Ibid., para. 139.
[42] See CAT/C/LKA/CO/5, paras. 9-10.
[43] Ibid., para. 16.
[44] Ibid., para. 28.
[45] Country team submission, p. 4.
[46] See A/HRC/33/51/Add.2, para. 70.
[47] Ibid., para. 72.
[48] Ibid., para. 83 (a).
[49] Ibid., para. 83 (i).
[50] Ibid., para. 84 (a).
[51] See A/HRC/35/31/Add.1, paras. 144-145.
[52] See CERD/C/LKA/CO/10-17, paras. 29-30.
[53] Ibid., paras. 16-17.
[54] Ibid., paras. 29-30. See also CAT/C/LKA/CO/5, para. 16.
[55] See CAT/C/LKA/CO/5, para. 24.
[56] See CCPR/C/LKA/CO/5, para. 15.
[57] See A/HRC/34/54/Add.2, para. 119 (j).
[58] Country team submission, p. 4.
[59] See A/HRC/34/54/Add.2, paras. 118 (n)-(o).
[60] For relevant recommendations, see A/HRC/22/16, paras. 127.57, 128.27, 128.85, 128.87 and 128.91.
[61] Country team submission, p. 6.
[62] See UNESCO submission to the universal periodic review of Sri Lanka, paras. 5 and 18.
[63] Ibid., paras. 11 and 19
[64] Country team submission, p. 6.
[65] Ibid.
[66] Ibid.
[67] See CCPR/C/LKA/CO/5, para. 7.

[68] See CMW/C/LKA/CO/2, paras. 44-45.
[69] Ibid., paras. 58-59.
[70] For the relevant recommendation, see A/HRC/22/16, para. 128.24.
[71] See CCPR/C/LKA/CO/5, para. 8. See also E/C.12/LKA/CO/5, paras. 17-18.
[72] Country team submission, p. 7.
[73] Ibid.
[74] See CERD/C/LKA/CO/10-17, para. 28.
[75] See CMW/C/LKA/CO/2, para. 53.
[76] Ibid., paras. 54-55.
[77] Ibid.
[78] For the relevant recommendation, see A/HRC/22/16, para.128.92.
[79] See E/C.12/LKA/CO/5, paras. 35-36.
[80] For relevant recommendations, see A/HRC/22/16, paras. 127.58, 127.88 and 127.104.
[81] Country team submission, p. 8.
[82] Ibid., p. 9.
[83] Ibid.
[84] For the relevant recommendation, see A/HRC/22/16, para. 127.89.
[85] Country team submission, p. 10.
[86] For relevant recommendations, see A/HRC/22/16, paras. 127.61-127.66, 127.68-127.69, 128.28 and 128.55.
[87] Country team submission, p. 13.
[88] See CCPR/C/LKA/CO/5, para. 9.
[89] Country team submission, p. 13.
[90] See A/HRC/29/36/Add.1, para. 78 (cc).
[91] For relevant recommendations, see A/HRC/22/16, paras. 127.49-127.50 and 127.70-127.73.
[92] Country team submission, p. 13.
[93] Ibid., p. 14.
[94] See CCPR/C/LKA/CO/5, para. 19. See also A/HRC/34/54/Add.2, para. 116 (k).
[95] Country team submission, p. 12.
[96] For the relevant recommendation, see A/HRC/22/16, para. 127.90.
[97] Country team submission, p. 10.
[98] See A/HRC/34/53/Add.3, para. 62.
[99] Ibid., para. 66.
[100] For relevant recommendations, see A/HRC/22/16, paras. 127.92-127.99 and 128.93.
[101] See A/HRC/29/36/Add.1, para. 78 (b).
[102] Ibid., para. 78 (j).
[103] Ibid., para. 78 (gg).
[104] See CMW/C/LKA/CO/2, para. 37.
[105] Country team submission, p. 12.
[106] Ibid., p. 11. See also UNHCR submission to the universal periodic review of Sri Lanka, p. 1.
[107] Country team submission, p. 12. See also UNHCR submission, p. 1.
[108] UNHCR submission, p. 5.
[109] Country team submission, p. 7.
[110] Ibid., p. 12.
[111] UNHCR submission, p. 4.
[112] Ibid., p. 5.